

(2) The report of the person so deputed may be read as evidence in the case.

Order as  
to costs.

(3) When any costs have been incurred by any party to a proceeding under this Chapter \* \* \* the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. <sup>2</sup>[Such costs may include any expenses incurred in respect of witnesses, and of pleaders' fees, which the Court may consider reasonable.]

### CHAPTER XIII.

#### PREVENTIVE ACTION OF THE POLICE.

Police to  
prevent  
cognizable  
offences.

149. Every police-officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

Information  
of design to  
commit such  
offences.

150. Every police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Arrest to  
prevent such  
offences.

151. A police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention  
of injury  
to public  
property.

152. A police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable, or the removal or injury of any public landmark or buoy or other mark used for navigation.

Inspection of  
weights and  
measures.

153. (1) Any officer in charge of a police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

#### PART V.

#### INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE.

### CHAPTER XIV.

Information  
in cognizable  
cases.

154. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the <sup>2</sup>[State] Government may prescribe in this behalf.

\* The words "for witnesses, or pleaders' fees, or both" rep. by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 31.

<sup>2</sup> Substituted by section 31, *ibid.*, for "All costs so directed to be paid may be recovered as if they were fines".

\* Substituted by the A. O. 1927 for "L. G."

\* Substituted by the A. O. 1950 for "Provincial".

155. (1) When information is given to an officer in charge of a police-station of Information] the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate. into non-cognizable cases.

(2) No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case or commit the same for trial, or of a Presidency Magistrate. Investigation into non-cognizable cases.

(3) Any police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

156. (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial. Investigation into cognizable cases.

(2) No proceeding of a police-officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.

157. (1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report and shall proceed in person, or shall depute one of his subordinate officers <sup>1</sup>[not being below such rank as the <sup>2</sup> <sup>3</sup>[State] Government] may, by general or special order, prescribe in this behalf] to proceed, to the spot, to investigate the facts and circumstances of the case, <sup>4</sup>[and, if necessary, to take measures] for the discovery and arrest of the offender : Procedure where cognizable offence suspected.

Provided as follows :—

(a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot ; Where local investigation dispensed with.

(b) if it appears to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case. Where police-officer in charge sees no sufficient ground for investigation.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section, <sup>1</sup>[and, in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the <sup>2</sup> <sup>3</sup>[State] Government], the fact that he will not investigate the case or cause it to be investigated].

<sup>1</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 22.

<sup>2</sup> Substituted by the A. O. 1927 for "L. G.".

<sup>3</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>4</sup> Substituted by Act 18 of 1923, s. 22, for "and to take such measures as may be necessary".

Reports  
under  
section 157  
how sub-  
mitted.

158. (1) Every report sent to a Magistrate under section 157 shall, if the <sup>1</sup>[State] Government so directs, be submitted through such superior officer of police as the <sup>2</sup>[State] Government], by general or special order, appoints in that behalf.

(2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

Power to  
hold investi-  
gation or  
preliminary  
inquiry.

159. Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

Police-  
officer's  
power to  
require  
attendance  
of witnesses.

160. Any police-officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case ; and such person shall attend as so required :

<sup>3</sup>[Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.]

Examination  
of witnesses  
by police.

161. (1) Any police-officer making an investigation under this Chapter <sup>4</sup>[or any police-officer not below such rank as the <sup>5</sup>[State] Government] may, by general or special order, prescribe in this behalf, acting on the requisition of such officer] may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

<sup>6</sup>[(3) The police-officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records.]

Statements  
to police  
not to be  
signed ;  
use of  
statements  
in evidence.

<sup>7</sup>[162. (1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it ; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made :

Provided that when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, any part of his statement, if duly proved, may be used by the accused, and with the permission of the Court, by the prosecution, to contradict such witness in the manner provided by

<sup>1</sup> Substituted by the A. O. 1937 for "L. G."

<sup>2</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>3</sup> Added by Act 26 of 1955, s. 21.

<sup>4</sup> Inserted by Act 18 of 1923, s. 33.

<sup>5</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1945 (2 of 1945), s. 2.

<sup>6</sup> Substituted by Act 26 of 1955, s. 22, for the original s. 162.

I of 1872. section 145 of the Indian Evidence Act, 1872, and when any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination.

I of 1872. (2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1) of the Indian Evidence Act, 1872, or to affect the provisions of section 27 of that Act.]

I of 1872. 163. (1) No police-officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Indian Evidence Act, 1872, section 24. No inducement to be offered.

(2) But no police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

164. (1) Any Presidency Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the State Government may, if he is not a police-officer record any statement or confession made to him in the course of an investigation under this Chapter or under any other law for the time being in force or at any time afterwards before the commencement of the inquiry or trial. Power to record statements and confessions.

164. (1) [Any Presidency Magistrate, any District Magistrate, any Sub-divisional Magistrate, any Magistrate of the first class or any other Magistrate specially empowered by the State Government in this behalf] may, if he is not a police-officer] record any statement or confession made to him in the course of an investigation under this Chapter <sup>3</sup>[or under any other law for the time being in force] or at any time afterwards before the commencement of the inquiry or trial. Power to record statements and confessions.

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) <sup>4</sup>[A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate] shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect :—

“[I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him

<sup>1</sup> Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 35, for “Every Magistrate not being a police-officer may”.

<sup>2</sup> Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for “Any Presidency Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the State Government”.

<sup>3</sup> Inserted by Act 46 of 1952, s. 4.

<sup>4</sup> Substituted by Act 18 of 1923, s. 35, for “No Magistrate”.

<sup>5</sup> Substituted by s. 35, *ibid*, for “I believe”.

and I believe] that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) A. B.,  
Magistrate."

*Explanation.*—It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

Search by  
police-officer.

165. <sup>1</sup>[(1) Whenever an officer in charge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

(2) A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.]

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may <sup>2</sup>[after recording in writing his reasons for so doing] require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing <sup>3</sup>[specifying the place to be searched, and so far as possible, the thing for which search is to be made]; and such subordinate officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search-warrants <sup>4</sup>[and the general provisions as to searches contained in section 102 and section 103] shall, so far as may be, apply to a search made under this section.

<sup>2</sup>[(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate :

Provided that he shall pay for the same unless the Magistrate, for some special reason thinks fit to furnish it free of cost.]

When officer  
in charge of  
police-station  
may require  
another to  
issue search  
warrant.

166. (1) An officer in charge of a police-station <sup>4</sup>[or a police officer not being below the rank of sub-inspector making an investigation] may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

<sup>4</sup>(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police-station

<sup>1</sup> Substituted by Act 18 of 1923, s. 36, for the original sub-sections (1) and (2).

<sup>2</sup> Inserted by s. 36, *ibid*.

<sup>3</sup> Substituted by s. 36, *ibid*, for "specifying the document or thing for which search is to be made and the place to be searched".

<sup>4</sup> Inserted by s. 37, *ibid*.

or a police-officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in section 165, sub-sections (1) and (3).

(5) The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4) :

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.]

167. (1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

167. (1) Whenever [any person is arrested and detained in custody, and it appears that the] investigation cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police-station [or the police-officer making the investigation if he is not below the rank of sub-inspector] shall forthwith transmit to [the nearest Judicial Magistrate] a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused \* \* to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction :

\*[Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the \*<sup>1</sup>[State] Government] shall authorize detention in the custody of the police.]

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

<sup>1</sup> Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 38, for "it appears that any".

<sup>2</sup> The words "under this Chapter" rep. by s. 38, *ibid*.

<sup>3</sup> Inserted by s. 38, *ibid*.

<sup>4</sup> Substituted by Bom. 23 of 1931, s. 2 and Schedule Part I, for "the nearest Magistrate".

<sup>5</sup> The words and brackets "(if any)" rep. by Act 18 of 1923, s. 38.

<sup>6</sup> Inserted, *ibid*, s. 38.

<sup>7</sup> Substituted by the A. O. 1937 for "L. G."

<sup>8</sup> Substituted by the A. O. 1950 for "Provincial".

(4) If such order is given by a Magistrate other than the District Magistrate or Sub-divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate.

<sup>1</sup>[(4) Any Magistrate giving such order shall forward a copy of his order, with his reasons for making it, to the Sessions Judge.]

Report of investigation by subordinate police-officer.

168. When any subordinate police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police-station.

Release of accused when evidence deficient.

169. If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station <sup>2</sup>[or to the police-officer making the investigation] that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or commit him for trial.

Case to be sent to Magistrate when evidence is sufficient.

170. (1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or commit him for trial or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate, until otherwise directed.

(2) When the officer in charge of a police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) If the Court of the District Magistrate or Sub-divisional Magistrate is mentioned in the bond, such court shall be held to include any court to which such Magistrate may refer the case for inquiry or trial provided reasonable notice of such reference is given to such complainant or persons.

4\* \* \*

<sup>1</sup> Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for the original sub-section (4).

<sup>2</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 39.

<sup>3</sup> Sub-section (3) was deleted by Bom. 23 of 1951, s. 2 and Schedule Part I.

<sup>4</sup> Sub-section (4) rep. by the Code of Criminal Procedure (Amendment) Act, 1926 (2 of 1926), s. 2.

(5) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

171. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police-officer,

Complainants and witnesses not to be required to accompany police-officer.

or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond :

Complainants and witnesses not to be subjected to restraint.

Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the police-station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

Recusant complainant or witness may be forwarded in custody.

172. (1) Every police-officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them to refresh his memory, or if the Court uses them for the purpose of 1 of 1872. contradicting such police-officer, the provisions of the Indian Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

173. (1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police station shall—

Report of police-officer.

(a) forward to a Magistrate empowered to take cognizance of the offence on a police-report a report, in the form prescribed by the <sup>2</sup>[State] Government], setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody or has been released on his bond, and, if so, whether with or without sureties, and

(b) communicate, in such manner as may be prescribed by the <sup>2</sup>[State] Government], the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given.]

(2) Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the <sup>2</sup>[State] Government] by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation.

<sup>1</sup> Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 40, for the original sub-section (1).

<sup>2</sup> Substituted by the A. O. 1937 for "L. G."

<sup>3</sup> Substituted by the A. O. 1950 for "Provincial".



(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

¶(4) After forwarding a report under this section, the officer in charge of the police station shall, before the commencement of the inquiry or trial, furnish or cause to be furnished to the accused, free of cost, a copy of the report forwarded under sub-section (1) and of the first information report recorded under section 154 and of all other documents or relevant extracts thereof, on which the prosecution proposes to rely, including the statements and confessions, if any, recorded under section 164 and the statements recorded under sub-section (3) of section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(5) Notwithstanding anything contained in sub-section (4), if the police officer is of opinion that any part of any statement recorded under sub-section (3) of section 161 is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, he shall exclude such part from the copy of the statement furnished to the accused and in such a case, he shall make a report to the Magistrate stating his reasons for excluding such part :

Provided that at the commencement of the inquiry or trial, the Magistrate shall, after perusing the part so excluded and considering the report of the police officer, pass such orders as he thinks fit and if he so directs, a copy of the part so excluded or such portion thereof, as he thinks proper, shall be furnished to the accused.]

Police to  
inquire and  
report on  
suicide, etc.

174. (1) The officer in charge of a police-station or some other police-officer specially empowered by the <sup>2</sup>[<sup>3</sup>State] Government] in that behalf, on receiving information that a person—

- (a) has committed suicide, or
- (b) has been killed by another, or by an animal, or by machinery, or by an accident, or .
- (c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests and, unless otherwise directed by any rule prescribed by the <sup>2</sup>[<sup>3</sup>State] Government], or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) When there is any doubt regarding the cause of death, or when for any other reason the police-officer considers it expedient so to do, he shall, subject to such rules as the <sup>2</sup>[<sup>3</sup>State] Government] may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified

<sup>1</sup> Substituted by Act 26 of 1955, s. 23, for the original sub-section (4).

<sup>2</sup> Substituted by the A. O. 1937 for "L. G."

<sup>3</sup> Substituted by the A. O. 1950 for "Provincial".

medical man appointed in this behalf by the <sup>1</sup>[<sup>2</sup>State] Government], if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) In the Presidencies of Fort St. George and Bombay, investigations under this section may be made by the head of the village, who shall then report the result to the nearest Magistrate authorized to hold inquests.

(5) The following Magistrates are empowered to hold inquests, namely, any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class and any Magistrate especially empowered in this behalf by the State Government or the District Magistrate.

(5) The following Magistrates are empowered to hold inquests, namely, any District Magistrate, <sup>3</sup>[Sub-divisional Magistrate <sup>4</sup>[or any Executive Magistrate] especially empowered in this behalf by the <sup>1</sup>[<sup>2</sup>State] Government] or the District Magistrate.

175. (1) A police-officer proceeding under section 174 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture. Power to summon persons.

(2) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the police-officer to attend a Magistrate's Court.

176. (1) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (a), (b) and (c) of sub-section (1), any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police-officer, and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case. Inquiry by Magistrate into cause of death.

(2) Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may cause the body to be disinterred and examined. Power to disinter corpses.

## PART VI.

### PROCEEDINGS IN PROSECUTIONS.

#### CHAPTER XV.

##### OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

###### *A.—Place of Inquiry or Trial.*

177. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed. Ordinary place of inquiry and trial.

<sup>1</sup> Substituted by the A. O. 1937 for "L. G."

<sup>2</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>3</sup> Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 41, for "or Sub-divisional Magistrate".

<sup>4</sup> Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "or Magistrate of the first class and any Magistrate".